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09/963,776	09/26/2001	Kevin Packingham	1731	1811

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EXAMINER	
SKED, MATTHEW J	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/963,776	PACKINGHAM, KEVIN	
	Examiner	Art Unit	
	Matthew J Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/22/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The claim objections are withdrawn in view of the amendments.

2. The 35 U.S.C. claim rejection is withdrawn in view of the amendment.

3. The affidavit filed on 2/22/05 under 37 CFR 1.131 is sufficient to overcome the Byrne et al. reference.

4. Below are the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 12, 15, 20-22, 24, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al. (U.S. Pat. 6,560,576).

As per claims 1 and 15, Cohen teaches a voice command platform and method comprising:

a user communication interface for communicating with users via a telecommunications network (voice enabled application operating over a telecommunications network, col. 2, lines 30-31 and Fig. 1);

a processor (Fig. 2, element 21);

an application-processing module executable by the processor voice command applications, the voice command applications having navigation points (maintains a history of dialog states so this would inherently have navigation points, col. 3, lines 45-48), and the voice command applications defining user-prompts, allowed grammars and application logic, wherein the processor processes voice command applications during voice command sessions with users (voice pages are navigated by voice commands each voice page would inherently have its own allowed prompts, grammars and logic, col. 3, lines 11-25); and

a user profile store including a navigation history record respectively for each of a plurality of users, the navigation history record for a given user identifying navigation points of voice command applications that the processor has processed during at least one voice command session with the given user (maintains a usage history for each user for multiple sessions, col. 3, lines 45-48).

7. As per claim 2, Cohen teaches a navigation-recording logic executable by the processor to record in the navigation history record for the given user an indication of a navigation point of a voice command application that the processor has processed during a voice command session with the user (the usage history would inherently have a recording logic to save navigation points in the history, col. 3, lines 45-48).

8. As per claim 3, Cohen teaches the navigation-recording logic is executable by the processor to record in the navigation history record for the given user each navigation point accessed during the voice command session with the user (history

includes a history of dialog states hence it would inherently record all the states in order to make an accurate history, col. 3, lines 45-48).

9. As per claims 12 and 20, Cohen teaches an expert-mode-transition logic executable by the processor to automatically transition the given user to expert-mode user status based on the navigation history record for the given user (expert help prompts are played when a caller is experienced with the system hence analyzing the user history, col. 5, lines 49-55).

10. As per claim 21, Cohen teaches using the navigation history log to determine that the user should be automatically transitioned to expert-mode user status comprises using the navigation history log to determine that the user should be automatically transitioned to expert-mode user status with respect to a given navigation point (determines if an active help prompt that is based upon the current dialog state is played a certain amount of times hence based on a current navigation point, Fig. 5, element 502); and

automatically transitioning the user to expert-mode user status comprises automatically transitioning the user to expert-mode user status with respect to the given navigation point (plays the expert help prompt to the user, Fig. 5, element 505).

11. As per claim 22, Cohen teaches using the navigation history log to determine that the user should be automatically transitioned to expert-mode user status comprises:

determining, based on the navigation history log, that a given navigation point has been accessed at least a threshold of times during at least one voice command session with the user (determines if an active help prompt that is based upon the

current dialog state is played a certain amount of times hence based on a current navigation point, Fig. 5, element 502); and

responsively determining that the user should be automatically transitioned to expert-mode user status with respect to at least the given navigation point (plays the expert help prompt to the user, Fig. 5, element 505).

12. As per claim 24, Cohen teaches a voice command platform comprising:

a processor (Fig. 2, element 21);

stored indications, respective for each of a plurality of users of a use-level of the user and a navigation history of the user (the use of novice or expert prompts is based upon the history hence indicating the user-level, col. 5, lines 49-55); and

logic executable by the processor to switch the use-level of a user from one level to another based on the navigation history of the user (plays the expert help prompt to the user, Fig. 5, element 505).

13. As per claim 25, Cohen teaches:

the use-level is selected from the group consisting of (i) expert-mode and (ii) not-expert mode (col. 5, lines 49-55);

the logic is executable by the processor to automatically switch the use-level of the user from non-expert mode to expert-mode, based on the navigation history of the user (expert help prompts are played when a caller is experienced with the system hence analyzing the user history, col. 5, lines 49-55).

14. As per claim 27, Cohen teaches a voice command application including expert-logic and non-expert-mode logic, wherein the processor executes the expert-mode logic

when the voice command platform is interacting with a user for whom the user profile store specifies an expert-mode use-level, and the processor executes the not-expert-mode logic when the voice command platform is interacting with a user form whom the user profile store specifies a not-expert-mode use-level (system communicates with the user using expert and novice prompts depending on the history, col. 5, lines 49-55).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 4-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Pugliese III et al. (U.S. Pat. Pub. 2001/0044751).

As per claims 4 and 5, Cohen does not teach the session-restore logic is executable by the processor to determine that a system disconnect occurred during the given voice command session and to thereafter restore the given voice command session based on the navigation history record for the given user.

Pugliese teaches a voice commanded shopping session that saves a history of shopping events and uses this history to rebuild the user's session (paragraphs 79 and 80).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to determine that a system disconnect occurred during the given voice command session and to thereafter restore the given voice command session as taught by Pugliese because it would avoid a loss of information and work the user had done, hence making the system more user-friendly.

17. As per claim 6, Cohen does not teach the session-restore logic further executable by the processor to prompt the user for consent to restore the given voice command session.

Pugliese teaches querying the user if they wish to resume their previous shopping application (paragraph 222).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to prompt the user for consent to restore the given voice command session as taught by Pugliese because this would give the user more control over the system hence making use more enjoyable for the user.

18. As per claim 7, Cohen does not teach the user profile store includes an indication for the given user indicating that the system disconnect occurred and the session-restore logic is executable by the processor to determine, based on the indication, that the system disconnect occurred.

Pugliese teaches the user profile store includes an indication for the given user indicating that the system disconnect occurred and the session-restore logic is executable by the processor to determine, based on the indication, that the system

disconnect occurred (last session id and session status flag are used to determine if disconnect occurred in order to resume the last session, paragraph 224).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so that the user profile store includes an indication for the given user indicating that the system disconnect occurred and the session-restore logic is executable by the processor to determine, based on the indication, that the system disconnect occurred as taught by Pugliese because it would alert the system to know that a disconnect occurred previously so that it may reinstitute the last session so the user does not lose any work.

19. As per claim 8, Cohen does not teach using the navigation history record for the given user to identify a voice command application that the processor was processing at the time the system disconnect occurred and loading and executing the voice command application.

Pugliese teaches using the navigation history record for the given user to identify a voice command application (application may provide voice recognition, paragraph 8) that the processor was processing at the time the system disconnect occurred (paragraph 222) and loading and executing the voice command application (accesses the last session id which would specify the application and session status flag in the user's profile to load the last session, paragraph 224).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to use the navigation history record for the given user to identify a voice command application that the processor was processing at

the time the system disconnect occurred and loading and executing the voice command application as taught by Pugliese because it would load the user's last application only when the user signs on hence preventing confusion for other users.

20. As per claim 9, Cohen does not specifically teach or point out that the navigation history lists navigation points in order of navigation.

Pugliese teaches the navigation history lists navigation points in order of navigation (chronological history, paragraph 79).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so that the navigation history lists navigation points in order of navigation as taught by Pugliese because it would make the navigation points easy to navigate through, hence facilitating its use by the user.

21. As per claim 10, Cohen does not teach the system is executable to restore the given voice command session for a period of approximately 15 minutes after a system disconnect of the given voice command session.

Pugliese teaches restoring a voice command application after a system disconnect has occurred (paragraph 222), but does not specifically teach to be for a period of 15 minutes.

However, the Examiner takes Official Notice that restoring an application for an indefinite period after a break is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to restore the given voice command session, as taught by Pugliese,

23. As per claim 18, Cohen does not teach restoring the previous voice command session with the user at the initiation of a subsequent voice command session with the user (after the break the system will automatically restore the previous session, paragraph 98).

Pugliese teaches restoring the application at the subsequent login (paragraph 222).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to restore the previous voice command application session at the initiation of a subsequent voice command session as taught by Pugliese because this would allow the user to continue the application immediately hence facilitating system recovery.

24. As per claim 19, Cohen does not teach the session-restore logic further executable by the processor to prompt the user for consent to restore the given voice command session.

Pugliese teaches querying the user if they wish to resume their previous shopping application (paragraph 222).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to prompt the user for consent to restore the given voice command session as taught by Pugliese because this would give the user more control over the system hence making use more enjoyable for the user.

25. Claims 11, 13, 14, 23, 26 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen.

As per claim 11, Cohen does not teach that each of a plurality of the voice command applications are VXML applications, and each of a plurality of navigation points are Universal Resource Indicators.

However, the Examiner takes Official Notice that VXML applications that use Universal Resource Indicators are common in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so that each of a plurality of the voice command applications are VXML applications, and each of a plurality of navigation points are Universal Resource Indicators because it is an uncomplicated method to implement voice command applications into a system.

26. As per claim 13, Cohen teaches the expert-mode-transition logic is executable to make a determination, based on the navigation history record for the given user, that the given user has accessed a navigation point at least a threshold number of times (determines if an active help prompt that is based upon the current dialog state is played a certain amount of times hence based on a current navigation point, Fig. 5, element 502) but does not specifically teach to set an expert-mode user flag in a profile record for the user, in response to the determination.

However, the Examiner takes Official Notice that saving a user-level in memory is common in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to set an expert-mode user flag in a profile record for the

for a period of approximately 15 minutes after a system disconnect because it would allow the user's information to be recovered if a power outage occurred.

22. As per claims 16 and 17, Cohen does not teach determining that a system disconnect occurred from the previous voice command session, identifying, based on the navigation history log, a given navigation point of a given voice command application that the platform was executing at the time the system disconnect occurred, locating the given voice command application from the given navigation point and executing the given voice command application.

Pugliese teaches determining that a system disconnect occurred from the previous voice command session, identifying, based on the navigation history log, a given navigation point of a given voice command application that the platform was executing at the time the system disconnect occurred, locating the given voice command application from the given navigation point and executing the given voice command application (accesses the last session id which would specify the application and session status flag to determine if there was a disconnect in the user's profile to load the last session, paragraphs 222 and 224).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to use the navigation history record for the given user to identify a voice command application that the processor was processing at the time the system disconnect occurred and loading and executing the voice command application as taught by Pugliese because it would load the user's last application only when the user signs on hence preventing confusion for other users.

user, in response to the determination because it would save processing time by not having to calculate if the user is an expert at the beginning of every session.

27. As per claims 14 and 23, Cohen does not specifically teach the telecommunications network comprises a wireless communications link.

However, the Examiner takes Official Notice that wireless communications links are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so the telecommunications network comprises a wireless communications link because it would allow system to use to be easier and more enjoyable for the user.

28. As per claim 26, Cohen does not specifically teach the processor to prompt the user for authority to switch the user's use-level.

However, the Examiner takes Official Notice that prompting a user is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen to prompt the user to switch the user's use-level because it would allow the user to operate at a specified use-level for as long the user pleases.

29. As per claim 28, Cohen teaches a voice browser system arranged to execute voice-tag applications and to interface between voice tag applications and users, a method comprising:

maintaining a navigation-history record that indicates a user's navigation history through at least one of the voice-tag applications via the voice browser system (maintains a history of dialog states, col. 3, lines 45-48);

automatically setting the use-mode record to indicate that the user is an expert-user of the at least one voice-tag application, based on the navigation-history record (the use of novice or expert prompts is based upon the history hence indicating the user-level, col. 5, lines 49-55); and

when executing the at least one voice-tag application, interfacing with the user according to the user-mode record (plays the expert help prompt to the user, Fig. 5, element 505).

Cohen does not teach automatically determining whether the user is an expert from a use-mode record of the at least one voice-tag application.

However, the Examiner takes Official Notice that saving a user-level in memory is common in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to set an expert-mode user flag in a profile record for the user, in response to the determination because it would save processing time by not having to calculate if the user is an expert at the beginning of every session.

30. As per claim 29, Cohen teaches the at least one voice-tag application defines a standard set of logic including a standard set of voice prompts and the at least one voice-tag application defines an expert set of logic including an expert set of voice prompts, and wherein interfacing with the given user according to the use-mode comprises:

making a determination that the use-mode record indicates that the user is an expert-user of the at least one voice-tag application (the use of novice or expert prompts is based upon the history, col. 5, lines 49-55); and

responsive to the determination, executing the expert set of logic rather than the standard set of logic record (plays the expert help prompt instead of the novice prompt to the user, Fig. 5, element 505).

31. As per claim 31, Cohen teaches the standard set of voice prompts includes a voice prompt for a given menu item (Voice content sites would have different prompts, col. 3, lines 11-16), but does not teach the expert set of voice prompts includes a tone prompt for the given menu item.

However, the Examiner takes Official Notice that tone prompts are common in interactive voice response systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so that the expert set of voice prompts includes a tone prompt for the given menu item because tone prompts are shorter than voice prompts and so it would save time for the user if he already knows the voice prompts from the system.

32. As per claim 32, Cohen teaches determining that the user has accessed the given menu item at least a threshold number of times, and responsively setting the use-mode to indicate that the user is an expert-user of the at least one voice-tag application (determines if an active help prompt that is based upon the current dialog state is played a certain amount of times hence based on a current navigation point, Fig. 5, element 502).

33. As per claim 33, Cohen teaches the at least one voice-tag application defines a standard prompt for a given menu item and an expert prompt for the given menu item,

and wherein interfacing with the given user according to the use-mode record comprises:

making a determination that the use-mode record indicates that the user is an expert-user of the at least one voice-tag application (determines if an active help prompt that is based upon the current dialog state is played a certain amount of times hence based on a current navigation point, Fig. 5, element 502); and

responsive to the determination, executing the expert set of logic rather than the standard set of logic record (plays the expert help prompt to the user, Fig. 5, element 505).

34. As per claim 35, Cohen teaches the standard set of voice prompts includes a voice prompt for a given menu item (Voice content sites would have different prompts, col. 3, lines 11-16), but does not teach the expert prompt is a tone prompt.

However, the Examiner takes Official Notice that tone prompts are common in interactive voice response systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so that the expert prompt is a tone prompt because tone prompts are shorter than voice prompts and so it would save time for the user if he already knows the voice prompts from the system.

35. Claims 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Surace et al. (U.S. Pat. 6,334,103).

Cohen does not teach the voice prompts of the expert set are shorter in duration than voice prompts of the standard set.

Surace teaches a voice user interface with both expert and novice prompts where the length of the prompt depends on the user's expertise (col. 9, lines 13-23).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Cohen so the expert set of prompts are shorter than standard voice prompts as taught by Surace because this would allow experienced users to navigate the system more quickly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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05/18/05

DAVID L. OMETZ
PRIMARY EXAMINER